

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GARFIELD G. HENRY,

Plaintiff,

Docket No.: 21-cv-10115  
(PMH)(AEK)

-against-

MAHOPAC CENTRAL SCHOOL DISTRICT,

Defendant.

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**NOTICE OF MOTION**  
**TO DISMISS**  
**PLAINTIFF'S**  
**COMPLAINT**

**PLEASE TAKE NOTICE**, that upon the accompanying Declaration of Karen Rudnicki sworn to on the 1st day of March 2022, and the accompanying Memorandum of Law in Support, the defendant, by and through its attorneys, SILVERMAN & ASSOCIATES, will move this Honorable Court **on a date and time to be decided by this Court** for an Order pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure dismissing the plaintiff's Complaint with prejudice for failure to state a claim and because of untimeliness and for lack of subject matter jurisdiction and, alternatively, if any of the plaintiff's causes of action are not dismissed, granting a period of thirty days following entry of the Court's Order in which to file an Answer to the plaintiff's Complaint, and for such other and further relief as this Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE**, that the plaintiff's opposition, if any, is to be served and filed by April 4, 2022. The defendant's reply papers are to be served and filed by April 11, 2022.

Dated: White Plains, New York  
March 1, 2022

Respectfully submitted,

**SILVERMAN & ASSOCIATES**

*Karen Rudnicki*

By: \_\_\_\_\_

Karen Rudnicki  
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